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EXAMINER

THOMPSON JR, FOREST

ART UNIT PAPER NUMBER

3625

DATE MAILED: 05/17/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/497,373

Applicant(s)

ALON ET AL.

Examiner

Forest Thompson Jr.

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ML

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 08 March 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 2-4,6,8-19,21-23,25,27-39,56-61,64-77 and 80-92 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 2-4,6,8-19,21-23,25,27-39,56-61,64-77 and 80-92 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 03 February 2000 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

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DETAILED ACTION

1. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action (See Papers #6, 9 & 11). The text of those sections of Title 35, U.S. Code not otherwise provided in a prior Office action will be included in this action where appropriate.

2. This action is responsive to the amendment C filed on 03/08/2004 (see Paper #16). Amendment C amended claims 6, 8, 25, 27, 36-38, 56, and 74-75, and added new claims 90-92. Claims 2-4, 6, 8-19, 21-23, 25, 27-39, 56-61, 64-77, and 80-92 are pending.

3. Claims 2-4, 6, 8-19, 21-23, 25, 27-39, 56-61, 64-77, and 80-92 have been examined.

Claim Rejections - 35 USC § 112

4. Claim 34 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claim 34 states, "the at 3 least one group size" in line 2-3. Examiner cannot reliably determine applicants' intended meaning. Correction is required. To expedite examination, examiner has examined the claim using the claim language of "the at [3-]least one group size."

Claim Rejections - 35 USC § 103

5. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.
6. Claims 2-4, 6, 13-15, 17-19, 21-23, 25, 74-77, 80, and 82-87 were rejected in Paper #11 under 35 U.S.C. 103(a) as being unpatentable over Pallakoff (U.S. Patent No. 6,269,343), and further in view of Reuhl et al. (U.S. Patent No. 5,873,069).
7. Claims 8-12, 27-33, 36, 38-39, 56-59, 64-73, and 89 were rejected in Paper #11 under 35 U.S.C. 103(a) as being unpatentable over Pallakoff (U.S. Patent No. 6,269,343), and further in view of Shkedy (U.S. Patent No. 6,260,024).
8. Claims 16, 34, 35, 37, 60, 61, 81 and 88 were rejected in Paper #11 under 35 U.S.C. 103(a) as being unpatentable over Pallakoff (U.S. Patent No. 6,269,343), and further in view of Reuhl et al. (U.S. Patent No. 5,873,069) and Shkedy (U.S. Patent No. 6,260,024).
9. Applicants' amendment required examiner to amend the rejection. Therefore, examiner presents below a revised rejection.
10. Claims 2-4, 6, 13-15, 17-19, 21-23, 25, 74-77, 82-84, 86-88, and 91 are rejected under 35 U.S.C. 103(a) as being unpatentable over Pallakoff, and further in view of Reuhl et al. (hereafter referred to as Reuhl).

Claim 1. (Cancelled)

Claim 2. Pallakoff teaches the agent entity is one of a buyer in the group or the group (Abstract).

Claims 3, 22. Pallakoff teaches:

- collecting payment information from the at least one buyer in the group who is interested in buying the product/service at the received suggested price quotation (fig. 3 [34]; col. 12 lines 30-36); and
- sending the collected payment information to the at least one seller (fig. 3 [34]; col. 12 lines 30-36).

Claims 4, 23, 76, 77. Pallakoff teaches the payment information is in the form of a credit card number for the at least one buyer in the group who is interested in buying the product/service (fig. 3 [34]; col. 12 lines 30-36).

Claim 5. (Cancelled)

Claim 6. Pallakoff teaches:

- receiving into the computer requests to purchase the product/service by buyers of the group (col. 3 line 66 – col. 4 line 11);
- forming a collective request for purchase of the product/service based upon the received buyer requests to purchase the product/service (Abstract);
- sending the collective request to at least one seller (col. 14 lines 30-33);

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- receiving by an agent entity a suggested price quotation for the product/service from the at least one seller (col. 3 lines 5-10);
- receiving purchase authorization from at least one buyer in the group to buy the product/service from any seller that has provided a suggested price quotation for the product/service (col. 6 line 64 – col. 7 line 5).

Pallakoff does not teach the feature of receiving by the agent entity another suggested price quotation for the product/service, from the at least another seller; nor notifying an agent entity of the received suggested another price quotation. However, Reuhl's teaching encompasses these features, through the teaching of:

- the price-changing function of the system is responsive to competitive price data on identical or substantially similar products in multiple geographic markets for multiple competitors (col. 3 lines 58-61); and
- providing potential buyers with price comparisons among competitors to ascertain the best price available for a product or a substantially similar product (col. 3 lines 9-12).

This teaching encompasses claimed aspects of receiving by the agent entity another suggested price quotation for the product/service, from the at least another seller, and notifying an agent entity of the received suggested another price quotation. Therefore, it would have been obvious to one skilled in the art at the time the invention was made to modify the teaching of Pallakoff to explicitly include receiving another suggested price quotation for the product/service from the at least another seller, and notifying an agent entity of the received suggested another price quotation, as taught by

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Reuhl, for the motivation of facilitating a sales transaction for purchasing a product/service by a group of buyers from a seller.

Claim 7. (Cancelled)

Claims 13, 82. Pallakoff teaches providing a setup tool that facilitates receiving group buy setup characteristics data that includes at least one of price targets for the product/service, buyer deadlines for joining the group, and buyer deadlines for receiving purchase authorization (Abstract; col. 2 line 48 – col. 4 line 11).

Claims 14, 30, 83. Pallakoff teaches the computer is connected to an electronic network and wherein the received requests to purchase the product/service are received over the electronic network (col. 1 lines 40-67).

Claims 15, 31, 84. Pallakoff teaches the electronic network is at least one of the World Wide Web, the Internet, or an intranet (col. 1 lines 45-48).

Claim 17. Pallakoff teaches:

- the computer is connected to an electronic network (col. 1 lines 11-13); and
- the received suggested price quotation for the product/service is received over the electronic network (Abstract).

Claim 18. Pallakoff teaches providing the agent entity with pre-negotiated prices for the product/service from the at least one seller (col. 14 lines 17-20).

Claims 19, 88. Pallakoff teaches notifying the agent entity of the received suggested price quotation comprises sending a message to the agent entity in a format of at least one of an e-mail message, an Internet immediate message, a voice message, a beeper message, or a facsimile message (col. 10 lines 40-56).

Claim 20. (Cancelled)

Claims 21, 75. Pallakoff teaches requesting the at least one seller to honor the at least one of an agreed price for the product service or the price reduction for the product service for the at least one group size (col. 14 lines 30-33), in the teaching of *communicating to said plurality of individual potential buyers and said sellers the price of said at least one product at the end of said specified and limited time period.*

Claims 22, 76. Pallakoff teaches collecting payment information from buyers in the group who have submitted requests to purchase the product/service (col. 7 lines 23-26).

Claims 23, 77. Pallakoff teaches the payment information is in the form of a credit card number for each buyer of the buyers in the group who are interested in buying the product/service (col. 8 lines 41-53).

Claim 24. (Cancelled)

Claims 25, 74, 91. Pallakoff teaches:

- receiving from at least one seller at least one of an agreed price for the product/service or a price reduction for the product/service for at least one group size (col. 3 lines 5-65);

- receiving into the computer requests to purchase the product/service by buyers, the buyers collectively forming a group (col. 3 line 66 – col. 4 line 52),
- the computer configured to receive the requests to purchase the product/service after receiving from the at least one seller the agreed price or the price reduction (col. 4 lines 30-52);
- monitoring the group to determine if the group has attained the at least one group size (col. 5 lines 16-28);
- providing buyer payment information to the at least one seller if the group attains the at least one group size (col. 5 lines 38-45);

Pallakoff does not explicitly teach providing by the agent entity to at least another seller for review the at least one of an agreed price for the product/service or the price reduction for the product/service for at least one group size received from the at least one seller, wherein the agent entity is independent of the at least one seller and the at least another seller; receiving another agreed price or price reduction for the product/service from the at least another seller; nor notifying buyers in the group of the received another agreed price. Pallakoff does teach providing said plurality of individual potential buyers with said conditional sales offer for said at least one product through said network (col. 14 lines 16-18). Additionally, Reuhl's teaching encompasses these features, through the teaching of:

- the price-changing function of the system is responsive to competitive price data on identical or substantially similar products in multiple geographic markets for multiple competitors (col. 3 lines 58-61); and

- providing potential buyers with price comparisons among competitors to ascertain the best price available for a product or a substantially similar product (col. 3 lines 9-12).

These teachings either teach and/or infer applicants' claimed aspects.

Therefore, it would have been obvious to one skilled in the art at the time the invention was made to modify the teaching of Pallakoff to explicitly provide by the agent entity to at least another seller for review the at least one of an agreed price for the product/service or the price reduction for the product/service for at least one group size received from the at least one seller, wherein the agent entity is independent of the at least one seller and the at least another seller receive another agreed price or price reduction for the product/service from the at least another seller, and notify buyers in the group of the received another agreed price, as taught by Reuhl, for the motivation of using a computer to facilitate a sales transaction for purchasing a product/service by a group of buyers from a seller.

Claim 26. (Cancelled)

Claims 76, 77. Palakoff teaches the payment collector processes payment information in the form of a credit card number for the buyers in the group who are interested in buying the product/service (fig. 3 [34]; col. 12 lines 30-36).

Claim 78. (Cancelled)

Claim 79. (Cancelled)

Claim 86. Pallakoff teaches:

- the computer is connected to an electronic network (col. 1 lines 40-67); and
- the payment information is provided to the at least one seller over the electronic network (fig. 3 [34]; col. 12 lines 30-36).

Claim 87. Pallakoff teaches notifying at least one buyer in the group that the group has attained the at least one group size (col. 14 lines 30-33).

11. Claims 8-12, 16, 27-36, 39, 56-59, 64-73, 85, 90, and 92 are rejected under 35 U.S.C. 103(a) as being unpatentable over Pallakoff, and further in view of Shkedy.

Claims 8, 56, 90, 92. Pallakoff teaches:

- receiving into the computer buyer requests to purchase the product/service by verified buyers of the group (col. 3 line 66 – col. 4 line 52);
- forming a collective request for purchase of the product/service based upon the received buyer requests to purchase the product/service (Abstract);
- sending the collective request to the at least one seller (col. 14 lines 30-33);
- receiving a suggested price quotation for the product/service from the at least one seller (col. 3 lines 5-10);
- notifying an agent entity of the received suggested price quotation (col. 3 lines 5-17); and

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- receiving purchase authorization from at least one verified buyer in the group to buy the product/service at the received suggested price quotation (col. 6 line 64 – col. 7 line 5).

Pallakoff does not specifically teach verifying that buyers in the group satisfy a predetermined requirements list that requires a plurality of buyers in the group to have a common employer, wherein the common employer is independent of the seller.

However, Pallakoff does teach *A seller can therefor offer volume discounts to buyers acting as a group* (Abstract). Additionally, Shkedy teaches verifying that buyers in the group satisfy a predetermined requirements list, in the teaching of:

- *Cryptographic protocols are provided to authenticate the identity of buyers and/or sellers and verify the integrity of buyer and seller communications with the central controller 200* (col. 7 lines 5-8).
- *The buyer also provides his buyer ID, password, or private key so that central controller 200 can authenticate his identity* (col. 20 lines 20-22).

These teachings encompass verifying that buyers are members of a common group (e.g., a common employer), wherein the common employer is independent of the seller. Therefore, it would have been obvious to one skilled in the art at the time the invention was made to modify the teaching of Pallakoff to specifically verify that buyers in the group satisfy a predetermined membership requirement of having a common employer, wherein the common employer is independent of the seller, as taught by the combination of Pallakoff and Shkedy, for the motivation of facilitating a sales transaction

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for purchasing a product/service by a group of buyers that are associated with each other.

Claim 9. Pallakoff teaches functionality that encompasses sending the collective request to the at least one seller that further comprises a price reduction request for the product/service based on a number of buyers in the group (col. 14 lines 23-33).

Claim 10. Pallakoff teaches the price reduction request further includes a preexisting group discount rate of the at least one seller (col. 14 lines 23-33).

Claim 11. Pallakoff teaches the received suggested price quotation is based on a number of buyers in the group (col. 14 lines 20-29), through the teaching of *receiving from said plurality of individual potential buyers at the controller an indication of an acceptance of said conditional sales offer for said at least one product; . . . said controller calculating a price from among the specified prices for said at least one product dependent upon the conditional sales offer and an aggregate amount of said at least one product that said plurality of individual potential buyers have collectively indicated a willingness to purchase in said specified and limited time period*. This encompasses applicants' claimed aspect.

Claim 12, 28. Pallakoff teaches receiving into the computer a group buy setup characteristics data set that includes at least one of price targets for the product/service, buyer deadlines for joining the group, buyer deadlines for submitting purchase authorization, and deadlines for closing the sales transaction (Abstract).

Claims 27, 86. Pallakoff teaches:

- receiving from at least one seller at least one of an agreed price for the product/service or a price reduction for the product/service for at least one group size (col. 3 lines 5-65);
- receiving into the computer requests to purchase the product/service by prospective buyers (col. 3 line 66 – col. 4 line 52);
- monitoring the buying group to determine if the buying group has attained the at least one group size (col. 5 lines 16-28); and
- providing payment information to the at least one seller if the group attains the at least one group size (col. 5 lines 38-45).

Pallakoff does not specifically teach verifying that buyers in the group satisfy a predetermined requirements list that requires a plurality of buyers in the group to have a common employer, wherein the common employer is independent of the seller.

However, Pallakoff does teach *A seller can therefor offer volume discounts to buyers acting as a group* (Abstract). Additionally, Shkedy teaches verifying that buyers in the group satisfy a predetermined requirements list, in the teaching of:

- *Cryptographic protocols are provided to authenticate the identity of buyers and/or sellers and verify the integrity of buyer and seller communications with the central controller 200* (col. 7 lines 5-8).
- *The buyer also provides his buyer ID, password, or private key so that central controller 200 can authenticate his identity* (col. 20 lines 20-22).

These teachings encompass verifying that buyers are members of a common group (e.g., a common employer), wherein the common employer is independent of the seller. Therefore, it would have been obvious to one skilled in the art at the time the invention was made to modify the teaching of Pallakoff to specifically verify that buyers in the group satisfy a predetermined membership requirement of having a common employer, wherein the common employer is independent of the seller, as taught by the combination of Pallakoff and Shkedy, for the motivation of facilitating a sales transaction for purchasing a product/service by a group of buyers that are associated with each other.

Claims 29, 67. Pallakoff teaches providing a setup tool that facilitates receiving group buy setup characteristics data that includes at least one of price targets for the product/service, buyer deadlines for joining the group, and buyer deadlines for receiving purchase authorization (Abstract; col. 2 line 48 – col. 4 line 11).

Claims 32, 70. Neither Pallakoff nor Reuhl explicitly teach the received requests to purchase the product/service are received in a secured format. However, Shkedy teaches *Cryptographic key database 290 facilitates cryptographic functions, storing both symmetric and asymmetric keys. These keys are used by cryptographic processor 210 for encrypting and decrypting FPOs 100, seller bids 115, and purchase confirmations 120.* (col. 10 lines 63-67). Therefore, it would have been obvious to one skilled in the art at the time the invention was made to modify the teachings of Pallakoff and Reuhl to explicitly teach the controller receiving and sending encrypted/secured purchase

requests, as taught by Shkedy, for the motivation of facilitating an encrypted/secured sales transaction for purchasing a product/service by a group of buyers.

Claim 33. Pallakoff teaches:

- the computer is connected to an electronic network (col. 1 lines 40-67); and
- the payment information is provided to the at least one seller over the electronic network (fig. 3 [34]; col. 12 lines 30-36).

Claim 34. Pallakoff teaches notifying at least one buyer in the group that the group has attained the at least one group size (col. 14 lines 30-33).

Claim 35. Pallakoff teaches notifying the agent entity of the received suggested price quotation comprises sending a message to the agent entity in a format of at least one of an e-mail message, an Internet immediate message, a voice message, a beeper message, or a facsimile message (col. 10 lines 40-56).

Claim 36. Pallakoff teaches:

- a first portion that specifies a product/service for purchase by a group comprised of more than one buyer (col. 3 lines 5-65);
- a second portion that specifies a collective request by the group to the purchase of the product/service (col. 3 line 66 – col. 4 line 52);
- a third portion that requests price information for the product/service from the seller (col. 3 lines 5-65);

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- a fourth portion that specifies a time interval for which the collective request remains active (col. 3 line 66 – col. 4 line 8); and
- a fifth portion that specifies at least a minimum sales quantity of the product/service for which a price information is requested (col. 8 lines 5-62).

Pallakoff does not specifically teach verifying that buyers in the group satisfy a predetermined membership requirement of having a common employer. Pallakoff does teach *A seller can therefor offer volume discounts to buyers acting as a group* (Abstract). Additionally, Shkedy teaches verifying that buyers in the group satisfy a predetermined requirements list, in the teaching of:

- *Cryptographic protocols are provided to authenticate the identity of buyers and/or sellers and verify the integrity of buyer and seller communications with the central controller 200* (col. 7 lines 5-8).
- *The buyer also provides his buyer ID, password, or private key so that central controller 200 can authenticate his identity* (col. 20 lines 20-22).

These teachings encompass verifying that buyers are members of a common group (e.g., a common employer). Therefore, it would have been obvious to one skilled in the art at the time the invention was made to modify the teaching of Pallakoff to specifically verify that buyers in the group satisfy a predetermined membership requirement of having a common employer, as taught by the teaching of Shkedy, for the motivation of facilitating a sales transaction for purchasing a product/service by a group of buyers that are associated with each other.

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Claim 38. Palakoff teaches specifying a number of buyers in the group (fig. 3 [34]; col. 12 lines 30-36).

Claim 39. Pallakoff does not explicitly teach the first through sixth portions are configured for transmission to the seller in an integral transmission. However, Palakoff does teach transmitting sales information to the seller and status information to the buyer, as identified in the above sections. Sales information would include any and all information necessary to consummate the transaction and deliver the purchases to the buyers, and provide payment to the seller. Therefore, it would have been obvious to one skilled in the art at the time the invention was made to modify the teaching of Pallakoff to explicitly teach the first through sixth portions are configured for transmission to the seller in an integral transmission, i.e., information relevant to the sale, for the motivation of facilitating a sales transaction and consummating the sale.

Claims 40-55. (Cancelled)

Claim 56. Palakoff teaches the payment collector processes payment information in the form of a credit card number for the buyers in the group who are interested in buying the product/service (fig. 3 [34]; col. 12 lines 30-36).

Claim 57. Palakoff teaches:

- wherein the agent entity is at least one buyer in the group (Abstract); and

- wherein the price quotation notifier is further configured to receive purchase authorization from the at least one buyer in the group who is interested in buying the product/service at the received suggested price quotation (col. 6 line 64 – col. 7 line 5).

Claim 58. Palakoff teaches a payment collector configured to collect payment information from the buyers in the group who are interested in buying the product/service at the received suggested price quotation and send the collected payment information to the at least one seller (fig. 3 [34]; col. 12 lines 30-36).

Claim 59. Palakoff teaches the payment collector processes payment information in the form of a credit card number for the buyers in the group who are interested in buying the product/service (fig. 3 [34]; col. 12 lines 30-36).

Claim 62. (Cancelled)

Claim 63. (Cancelled)

Claim 64. Pallakoff teaches functionality that encompasses sending the collective request to the at least one seller that further comprises a price reduction request for the product/service based on a number of buyers in the group (col. 14 lines 23-33), based on the identification to the at least one seller of a quantity to be purchased by a number of buyers..

Claim 65. Pallakoff teaches the price reduction request further includes a preexisting group discount rate of the at least one seller (col. 14 lines 23-33).

Claim 66. Pallakoff teaches the collective request former includes a number of buyers in the group in the collective request (col. 14 lines 20-29), through the teaching

of receiving from said plurality of individual potential buyers at the controller an indication of an acceptance of said conditional sales offer for said at least one product; . . . said controller calculating a price from among the specified prices for said at least one product dependent upon the conditional sales offer and an aggregate amount of said at least one product that said plurality of individual potential buyers have collectively indicated a willingness to purchase in said specified and limited time period.

This encompasses applicants' claimed aspect.

Claim 68. Pallakoff teaches the computer is connected to an electronic network and wherein the received requests to purchase the product/service are received over the electronic network (col. 1 lines 40-67).

Claim 69. Pallakoff teaches the electronic network is at least one of the World Wide Web, the Internet, or an intranet (col. 1 lines 45-48).

Claim 71. Pallakoff teaches the price quotation receiver is connected to an electronic network and wherein the price quotation receiver receives suggested price quotations for the product/service over the electronic network through the functionality of:

- the computer is connected to an electronic network (col. 1 lines 11-13); and
- the received suggested price quotation for the product/service is received over the electronic network (Abstract).

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Claim 72. Pallakoff teaches a purchase database configured to provide the buyers of the group with pre-negotiated prices for the product/service from the at least one seller (col. 12 lines 54-67).

Claim 73. Pallakoff teaches notifying the agent entity of the received suggested price quotation comprises sending a message to the agent entity in a format of at least one of an e-mail message, an Internet immediate message, a voice message, a beeper message, or a facsimile message (col. 10 lines 40-56).

Claim 89. Pallakoff does not specifically teach verifying that buyers in the group satisfy a requirements list comprises determining that user names and passwords received from buyers match user names and passwords associated with the common employer in the requirements list. However, Shkedy teaches verifying that buyers in the group satisfy a predetermined requirements list in the teaching:

- *Cryptographic protocols are provided to authenticate the identity of buyers and/or sellers and verify the integrity of buyer and seller communications with the central controller 200* (col. 7 lines 5-8).

- *The buyer also provides his buyer ID, password, or private key so that central controller 200 can authenticate his identity* (col. 20 lines 20-22).

These teachings encompass verifying that buyers are members of a common group (e.g., a common employer), and satisfying a requirements list that comprises determining that user names and passwords received from buyers match user names and passwords associated with the common employer in the requirements list.

Therefore, it would have been obvious to one skilled in the art at the time the invention

was made to modify the teaching of Pallakoff to specifically verify that buyers in the group satisfy a requirements list comprises determining that user names and passwords received from buyers match user names and passwords associated with the common employer in the requirements list, as taught by the teaching of Shkedy, for the motivation of facilitating a sales transaction for purchasing a product/service by a group of buyers that are associated with each other.

12. Claims 16, 37, 60-61, 80-81, and 85 are rejected under 35 U.S.C. 103(a) as being unpatentable over Pallakoff, and further in view of Reuhl et al. (hereafter referred to as Reuhl), and Shkedy.

Claim 16. Neither Pallakoff nor Reuhl explicitly teach the received requests to purchase the product/service are received in a secured format. However, Shkedy teaches *Cryptographic key database 290 facilitates cryptographic functions, storing both symmetric and asymmetric keys. These keys are used by cryptographic processor 210 for encrypting and decrypting FPOs 100, seller bids 115, and purchase confirmations 120.* (col. 10 lines 63-67). Therefore, it would have been obvious to one skilled in the art at the time the invention was made to modify the teachings of Pallakoff and Reuhl to explicitly teach the controller receiving and sending encrypted/secured purchase requests, as taught by Shkedy, for the motivation of facilitating an encrypted/secured sales transaction for purchasing a product/service by a group of buyers.

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Claim 37. Neither Pallakoff nor Shkedy explicitly teach price information provided by a competing seller of the product service. However, Reuhl's teaching encompasses this feature, through the teaching of:

- the price-changing function of the system is responsive to competitive price data on identical or substantially similar products in multiple geographic markets for multiple competitors (col. 3 lines 58-61); and
- providing potential buyers with price comparisons among competitors to ascertain the best price available for a product or a substantially similar product (col. 3 lines 9-12).

Therefore, it would have been obvious to one skilled in the art at the time the invention was made to modify the teaching of Pallakoff and Shkedy to explicitly specify price information provided by a competing seller of the product service, as taught by Reuhl, for the motivation of facilitating a sales transaction for purchasing a product/service by a group of buyers with a seller.

Claim 60. Neither Pallakoff nor Shkedy explicitly teach the price quotation notifier is further configured to notify the agent entity of a received another suggested price quotation if the price quotation receiver receives another suggested price quotation for the product/service from at least another seller. However, Reuhl's teaching encompasses these features, through the teaching of:

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- the price-changing function of the system is responsive to competitive price data on identical or substantially similar products in multiple geographic markets for multiple competitors (col. 3 lines 58-61); and
- providing potential buyers with price comparisons among competitors to ascertain the best price available for a product or a substantially similar product (col. 3 lines 9-12).

This disclosure encompasses claimed aspect of notifying an agent entity of the received suggested another price quotation. Therefore, it would have been obvious to one skilled in the art at the time the invention was made to modify the teaching of Pallakoff and Shkedy to explicitly notify an agent entity of the received suggested another price quotation, as taught by Reuhl, for the motivation of facilitating a sales transaction for purchasing a product/service by a group of buyers from a seller.

Claim 61. Neither Pallakoff nor Shkedy teach the feature of a price quotation repository that allows at least another seller to review the received price quotation for the product/service from the at least one seller. However, Reuhl's teaching encompasses this feature, through the teaching of:

- the price-changing function of the system is responsive to competitive price data on identical or substantially similar products in multiple geographic markets for multiple competitors (col. 3 lines 58-61); and

- providing potential buyers with price comparisons among competitors to ascertain the best price available for a product or a substantially similar product (col. 3 lines 9-12).

This disclosure encompasses claimed feature of a price quotation repository that allows at least another seller to review the received price quotation for the product/service from the at least one seller. Therefore, it would have been obvious to one skilled in the art at the time the invention was made to modify the teaching of Pallakoff and Shkedy to explicitly include receiving another suggested price quotation for the product/service from the at least another seller, and notifying an agent entity of the received suggested another price quotation, as taught by Reuhl, for the motivation of facilitating a sales transaction for purchasing a product/service by a group of buyers from a seller.

Claims 80, 81. Pallakoff does not specifically teach the purchase receiver is configured to restrict buyers in the group to buyers matching a requirements list, nor the requirements list includes as a requirement that more than one buyer in the group have a common employer. However, Pallakoff does teach *A seller can therefor offer volume discounts to buyers acting as a group* (Abstract). Additionally, Shkedy teaches verifying that buyers in the group satisfy a predetermined requirements list, in the teaching of:

- *Cryptographic protocols are provided to authenticate the identity of buyers and/or sellers and verify the integrity of buyer and seller communications with the central controller 200* (col. 7 lines 5-8).

- *The buyer also provides his buyer ID, password, or private key so that central controller 200 can authenticate his identity (col. 20 lines 20-22).*

These teachings encompass requiring that some buyers satisfy requirements on a requirements list and are members of a common group (e.g., a common employer). Therefore, it would have been obvious to one skilled in the art at the time the invention was made to modify the teaching of Pallakoff to specifically teach that the purchase receiver is configured to restrict buyers in the group to buyers matching a requirements list, and that the requirements list includes as a requirement that more than one buyer in the group have a common employer, as taught by the combination of Pallakoff and Shkedy, for the motivation of facilitating a sales transaction for purchasing a product/service by a group of buyers that includes more than one buyer that are associated with each other.

Claim 85. Neither Pallakoff nor Reuhl explicitly teach the received requests to purchase the product/service are received in a secured format. However, Shkedy teaches *Cryptographic key database 290 facilitates cryptographic functions, storing both symmetric and asymmetric keys. These keys are used by cryptographic processor 210 for encrypting and decrypting FPOs 100, seller bids 115, and purchase confirmations 120.* (col. 10 lines 63-67). Therefore, it would have been obvious to one skilled in the art at the time the invention was made to modify the teachings of Pallakoff and Reuhl to explicitly teach the controller receiving and sending encrypted/secured purchase

requests, as taught by Shkedy, for the motivation of facilitating an encrypted/secured sales transaction for purchasing a product/service by a group of buyers.

Response to Arguments

13. Applicant's arguments with respect to claim 2-4, 6, 8-19, 21-23, 25, 27-39, 56-61, 64-77, and 80-92 have been considered but are either moot in view of the new ground(s) of rejection or are not persuasive. The following response addresses pertinent arguments.

Applicants argue, at pg. 16-17, that each of claims 2-4, 6, 13-15, 17-19, 21-23, and 25 discloses:

- "receiving ...from [the] at least one seller" a suggested price quotation, an agreed price,
or a price reduction for a product/service, and
- "providing by [an] agent entity.... to at least another seller for review" the suggested price quotation, an agreed price, or a price reduction for the product/service received from the at least one seller, "wherein the agent entity is independent of the at least one seller and the at least another seller."

Similarly, each of claims 74-77, 80, 82-87 discloses:

- "a communications interface configured to be used by an agent entity to provide to the second seller for review an agreed price for the product/service from the first

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seller or a price reduction for the product/service for at least one group size from the first seller, wherein the agent entity is independent of the sellers".

Examiner admits that Pallakoff does not disclose this subject matter. (Office Action, p.6)

Neither does Reuhl overcome this deficiency . . . The claimed subject matter is simply absent from each of the cited references, and the cited claims are patentable over Pallakoff and Ruehl.

Examiner disagrees. Reuhl teaches:

- the price-changing function of the system is responsive to competitive price data on identical or substantially similar products in multiple geographic markets for multiple competitors (col. 3 lines 58-61); and
- providing potential buyers with price comparisons among competitors to ascertain the best price available for a product or a substantially similar product (col. 3 lines 9-12).

These teachings encompass applicants' claimed aspects.

Therefore, the rejection is maintained.

Applicants argue, at pg. 17, that each of claims 8-12, 27-33, 56-59, and 64-73, and 89 discloses "a predetermined requirements list that requires a plurality of buyers in the group to have a common employer, wherein the common employer is independent of the seller". Similarly, each of claims 36, 38-39 discloses "a predetermined membership

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requirement of having a common employer, wherein the common employer is independent of the seller."

Pallakoff does not disclose or suggest this subject matter. (Office Action, e.g. p. 12) Neither does Shkedy. At best, Shkedy discloses:

"Cryptographic protocols are provided to authenticate the identity of buyers and/or sellers and verify the integrity of buyer and seller communications with the central controller 200." (7:5-8)

However, as the disclosure states, the purpose of the "cryptographic protocols" is to "authenticate the identity of buyers and/or sellers", not to verify that buyers in a group "[have] a common employer, wherein the common employer is independent of the seller" as claimed. A review of Shkedy in its entirety discloses no hint of a "common employer" "requirement". Neither Shkedy or Pallakoff, alone or in combination, discloses or suggests the claimed subject matter.

Examiner disagrees. Pallakoff does teach *A seller can therefor offer volume discounts to buyers acting as a group* (Abstract). Additionally, Shkedy teaches verifying that buyers in the group satisfy a predetermined requirements list, in the teaching of:

- *Cryptographic protocols are provided to authenticate the identity of buyers and/or sellers and verify the integrity of buyer and seller communications with the central controller 200* (col. 7 lines 5-8).
- *The buyer also provides his buyer ID, password, or private key so that central controller 200 can authenticate his identity* (col. 20 lines 20-22).

Also, "Merriam Webster's Collegiate Dictionary Tenth Edition;" Merriam Webster, Inc.; Tenth Edition; 1997, provides definitions as follow:

authenticate – to prove or serve to prove the authenticity;

prove – to establish the existence, truth, or validity of; and

verify – to establish the truth, accuracy, or reality of.

Therefore, the teachings of Pallakoff and Shkedy encompass verifying that buyers are members of a common group (e.g., a common employer), wherein the common employer is independent of the seller. Therefore, it would have been obvious to one skilled in the art at the time the invention was made to modify the teaching of Pallakoff to specifically verify that buyers in the group satisfy a predetermined membership requirement of having a common employer, wherein the common employer is independent of the seller, as taught by the combination of Pallakoff and Shkedy, for the motivation of facilitating a sales transaction for purchasing a product/service by a group of buyers that are associated with each other.

Therefore, the rejection is maintained.

Applicants argue, at pg. 18, that each of claims 33-34 and 60-61 discloses "a predetermined requirements list that requires a plurality of buyers in the group to have a common employer, wherein the common employer is independent of the seller". Claim 36 discloses "a predetermined membership requirement of having a common employer, wherein the common employer is independent of the seller." As discussed above, neither Pallakoff nor Shkedy suggests or discloses these elements. Neither does Ruehl

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supply the missing subject matter. Reuhl describes pricing systems for a conventional store environment. It never discloses "buyers in [3[a] group" much less that buyers in the group "have a common employer", or "a predetermined membership requirement of having a common employer" as claimed.

Examiner disagrees. Pallakoff does not specifically teach verifying that buyers in the group satisfy a predetermined requirements list that requires a plurality of buyers in the group to have a common employer, wherein the common employer is independent of the seller. However, Pallakoff does teach *A seller can therefor offer volume discounts to buyers acting as a group* (Abstract). Additionally, Shkedy teaches verifying that buyers in the group satisfy a predetermined requirements list, in the teaching of:

- Cryptographic protocols are provided to authenticate the identity of buyers and/or sellers and verify the integrity of buyer and seller communications with the central controller 200 (col. 7 lines 5-8).
- The buyer also provides his buyer ID, password, or private key so that central controller 200 can authenticate his identity (col. 20 lines 20-22).

Also, "Merriam Webster's Collegiate Dictionary Tenth Edition;" Merriam Webster, Inc.; Tenth Edition; 1997, provides definitions as follow:

authenticate – to prove or serve to prove the authenticity;

prove – to establish the existence, truth, or validity of; and

verify – to establish the truth, accuracy, or reality of.

Therefore, the teachings of Pallakoff and Shkedy encompass verifying that buyers are members of a common group (e.g., a common employer), wherein the

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common employer is independent of the seller. Therefore, it would have been obvious to one skilled in the art at the time the invention was made to modify the teaching of Pallakoff to specifically verify that buyers in the group satisfy a predetermined membership requirement of having a common employer, wherein the common employer is independent of the seller, as taught by the combination of Pallakoff and Shkedy, for the motivation of facilitating a sales transaction for purchasing a product/service by a group of buyers that are associated with each other.

Therefore, Examiner maintains the rejection.

Applicants argue, at pg. 18, that claim 16 discloses:

- "receiving by an agent entity a suggested price quotation for the product/service from the at least one seller;" and
- "providing by the agent entity the suggested price quotation to at least another seller for review, wherein the agent entity is independent of the sellers".

Similarly, each of claims 81 and 88 discloses:

- "a communications interface configured to be used by an agent entity to provide to the second seller for review an agreed price for the product/service from the first seller or a price reduction for the product/service for at least one group size from the first seller, wherein the agent entity is independent of the sellers".

As discussed above, these elements are not disclosed or suggested by Pallakoff or Reuhl. Shkedy does not supply the missing elements. At best Shkedy discloses, "the potential buyer browses the list of available PPOs". (16:47-48) ("PPO" is defined in Shkedy as a "pooled purchase order." (2:48-49)). However, in Shkedy, it is the buyer,

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not the seller who reviews "PPOs". The claims recite" [providing] to" "at least another seller" or "the second seller" price information. None of the references contains the claimed elements.

Examiner disagrees. This is the same argument that applicants presented for claims 2-4, 6, 13-15, 17-19, 21-23, and 25, see above. Therefore, examiner applies the same response.

Therefore, examiner maintains the rejection.

Conclusion

14. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

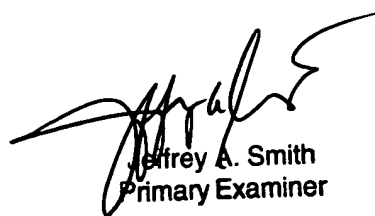
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15. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Forest Thompson Jr. whose telephone number is (703) 306-5449. The examiner can normally be reached on 6:30 AM-3:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vincent Millin can be reached on (703) 308-1065. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

FT
05/14/2004


Jeffrey A. Smith
Primary Examiner